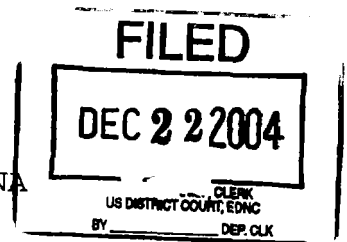


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION



NO. 5:04-CR-211-BO(1)

UNITED STATES OF AMERICA)
)
) MOTION TO EXTEND MOTION
) RESPONSE TIME
DAVID A. PASSARO)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves the Court to further extend the time permitted the Government to respond to the defendant's Motions to Compel Process, Additional Discovery, and Supplemental Discovery Request and in support thereof, shows unto the Court the following:

1. The defendant's Motions were filed on 12, 16, and 18 November, 2004. Due to the sensitive handling of the information contained in the pleadings, the motion filed on the 12th was not received by the Government until the 15th. Responses would normally be due on and between November 30 and December 6, 2004.

2. On December 10, 2004, the Court granted the Government's original motion to extend response time until January 7, 2005. The Government believes that the bulk of the information requested by the defendant would not be material to any defense to the crimes for which the defendant presently stands accused and therefore would not be discoverable. See, Rule 16(a)(1)(E)(i), Fed. R. Crim. P. Nonetheless, the Government concedes that certain requests made by the defendant, however could conceivably result in the

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identification of information which might prove discoverable. As a result, the government tasked numerous agencies and departments to search its records for material that would be discoverable.


3. With approximately eighty percent of the tasked government components responding, to date only one document which the Government believes might be discoverable has been found.

4. Several components have notified the government that due to operational demands, a two week extension is necessary to complete the search. Accordingly, it requests that it be granted until Friday, January 21, 2005 to respond to all of the pending motions.

5. Counsel for the defendant, Thomas P. McNamara, has been consulted about this Motion to Extend Response Time and reports that he has no objection thereto.

Respectfully submitted, this 22nd day of December, 2004.

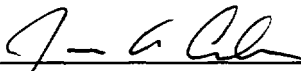
FRANK D. WHITNEY
United States Attorney


BY: JAMES A. CANDELMO
Assistant United States Attorney
Criminal Division

CERTIFICATE OF SERVICE

This is to certify that I have this 22nd day of December, 2004, served a copy of the foregoing Motion to Extend Response Time in this action via courier as follows:

Thomas P. McNamara, Esq.
Federal Public Defender's Office
Raleigh, North Carolina



JAMES A. CANDELMO
Assistant United States Attorney
Criminal Division